23. Employment of demonstration parties.

Mr. C. Barton Wright.—I do not move it.

Hence the following resolution was considered withdrawn:—

"This Council recommends to the Government that the employment of demonstration parties be tried experimentally in selected places to try and prove to the ryots the advantages of improved methods of agriculture in rural areas."

24. Standing Finance Committee.

Deputy President.—Resolution No. 24 by Mr. A. B. Salem.

Mr. A. B. Salem.—Sir, I rise to move that *"this Council recommends to the Government to invest the non-official Members of the Standing Finance Committee elected by this House with the powers of scrutinising the detailed expenditure of votable funds allotted for the various Departments of the State in the budget, for the purpose of seeing that money is spent properly or to appoint a new Public Accounts Committee composed of a majority of non-official Members of this House for such scrutiny."*

Sir, my object in tabling this resolution is to bring to the notice of the House and of the Government that many votable items of expenditure that are budgetted and for which money is allotted lapse during the course of the financial year; and many votable items of expenditure are exhausted even before the financial year is out, and additional allotments are also required by certain spending Departments. In all these matters, if the particular Departments that are in charge of the allotments have an idea that they alone are responsible for the spending of it and there is nobody to check them, it is impossible for the Secretary or for the Diwan to check the course of expenditure. Therefore, many useful works and many works of utility to the public are lost sight of, because there is no one to remind them. In the Assembly, as regards the votable items of expenditure, a Public Accounts Committee is appointed from the non-official Members so that in the working of the administration the democratic part, which is allied with bureaucracy, gets training into the actual working of the Departments. It is essential that the non-official Members sitting here, if they are to be closely associated with the working of the Government, ought to be trained to take charge of the responsibility in the immediate future or in the time to come. In the fullness of time they must have this training along with the officials. Therefore, this close association of a committee from the non-official Members or the investing of powers to the Members of the Standing Finance Committee itself is essential. If you invest

LIBRARY ARCHIVES Kerala Legislative Assembly

powers with the Standing Finance Committee and this House, then they get this experience which is very salutary for the development of the democratic institutions that we are all aiming and it is in consonance with the declared wishes of the Government of His Highness that the very object is to bring the non-officials in very close touch with the working of the Departments and it is in that spirit that this resolution has been tabled. This will prevent lapses. This will prevernt also the waste of public funds that takes place at times. I would refer to one item which came in the course of answers to questions that have been replied in this session. Several sheds were put up at Pallivirutti for the purpose of isolation of plague but not one man occupied the sheds. Why were sheds put up? People in Mattancheri said there was no plague. They were not prepared to accept plague. But the Department went into a scare and not only spent a lot of money, spent 7,000 and odd out of public funds, upon a mere scare. Nobody was for it and yet we find such a large amount was spent, isolation sheds were put up in such grand scale. and more money would have been spent had there been no questions. And how many people occupied? Not one. Why was that money spent? To put up a cadjan shed it will not take much time. In cadjan we can put up a shed in two hours such as was put up at Pallivirutti. How long will it take to put up a bamboo shed with cadjan? Two or three hours. Supposing a case came for isolation. You can at once put up a shed before the case is removed from Mattancheri to Pailivirutti. It is very easy to put up sheds. I have put up sheds myself in two hours.

Mr. C. Barton Wright.—Good man!

Mr. A. B. Salem.—And there is no difficulty. We can get any amount of bamboo, any amount of cadjan, any amount of workmen, any amount of coir. These are the four things required. Such waste will not take place. If they know that there is somebody looking at the course of expenditure, such waste, I repeat, will not take place inside the Government, and it is necessary that we guard every pie of the taxpayer's money. If our unnecessary expenditure is cut down, we will have more money to spend for opening of canals, for opening of roads, for bridges, for supply of water to people who are all clamouring. We had an instance. One lakh and odd lapsed in the Public Works Department. Not spent. Then why budget? For this purpose I have tabled this resolution and with these few words I commend the resolution to this House.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. Kunjunni Raja.—I second the resolution. From analogy too it is necessary that a Committee on Public Accounts is constituted. In the Legislative Assembly we have got provision made for the Committee in Rules 51 and 52 and the functions of the Committee are also given in detail. The Rule reads thus:—

"As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and the appropriation accounts of the Governor-General-in-Council and such other matters as the Finance Department may refer to the Committee.

"The Committee on Public Accounts shall consist of not more than 12 Members including the Chairman of whom not less than two-thirds shall be elected by the non-official Members of the Assembly according to the principle of proportionate representation by means of the single transferable vote. The remaining Members shall be nominated by the Governor-General.

"The Finance Member shall be Chairman of the Committee and, in the case of an equality of votes on any matter, shall have a second or casting vote.

"In scrutinising the audit and appropriation accounts of the Governor-General-in-Council it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly. (*Hear, hear.*)

"It shall be the duty of the Committee to bring to the notice of the Assembly

(1) every re-appropriation form one grant to another grant;

(2) every re-appropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department; and

(3) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly."

We have got similar provisions in all the Provincial Councils of Madras, Bombay, Bengal, etc., and in Mysore also there is provision made in Rule 33 of the Mysore Legislative Council. What really happens here now is, if provision is made in the budget, we find very often, transfers are made without the knowledge of this Council. It is very easy for the Government to come forward with items of expenditure which the Council

LIBRARY ARCHIVES Kerala Legislative Assembly

will readily approve and then the Government need not incur any expenditure on that item, they can transfer the amount to other objectionable items. It is to prevent such things that a Committee on Public Accounts is constituted. The Committee will examine how such money is spent. Irregularities will be brought to the notice of the Council. It is for these reasons that I second this resolution.

Mr. A.B. Salem.—We want to know the Government view.

Mr. K. Krishna Pisharodi.—Sir, I rise to oppose the resolution, not because the Government do not sympathise with the desire of the mover to secure for the Legislative Council more powers of control over expenditure and public accounts, not because the Government are averse to grant the Legislature more powers when the proper times come, but because nothing can be done immediately under the present Legislative Council Regulation and the existing constitution of the State.

Strictly speaking, the existing Standing Finance Committee has no *statutory* basis. It is purely an advisory body and its constitution and functions are modelled on those of a similar body functioning in Travancore. Again neither the substantive provisions of our Legislative Council Regulation nor any rules that can possibly be issued under section 16 (2) of that Regulation can admit of any detailed powers of control over expenditure being invested either in the Legislative Council itself or in any Committee appointed by it. That is probably the reason why in none of the Indian States having a Legislative Council a Public Accounts Committee has been constituted.

Again the constitution of the Government of India and Provincial Governments differ materially from the constitution of the Indian States. Public Accounts Committees of the nature attached to the Imperial Legislative Assembly and the Provincial Legislative Councils fit in with their constitutions. Unless, therefore, our constitution also is suitably changed, it is not possible to form a Public Accounts Committee of the nature working in British India.

In these circumstances I beg to oppose the resolution.

Dr. A. R. Menon.—What about Mysore ?

Mr. A. B. Salem.—No answer.

Deputy President.—That is the Government view.

Mr. A. B. Salem.—I have nothing to add to what I have already said except that we have seen here a number of transfers from one head to the other and all that we have succeeded is to get those books brought in the afternoon for us to look. There

LIBRARY ARCHIVES Kerala Legislative Assembly

is absolutely no change in the Constitution required for accepting this Resolution. We do not ask for any change. All that we ask is to associate Members with the spending of money that is granted to you. Let us also come there and see how that money is spent as is done in another Indian State, which we always like to follow. The Member for the Jenmies has put the case very well. You bring here an item which is not very objectionable. After that, you get the amount allowed by us and transfer it to some place you like. It is only to prevent these things that we ask you to allow us to look into these matters. I don't think any change in the constitution is required. I beg to move that the question may be put.

Question proposed: *That the resolution that " this Council recommends to the Government to invest the non-official Members of the Standing Finance Committee elected by this House with the powers of scrutinising the detailed expenditure of votable funds allotted for the various Departments of the State in the budget, for the purpose of seeing that money is spent properly or to appoint a new Public Accounts Committee composed of a majority of non-official Members of this House for such scrutiny '. be passed by the House.*

Question put and agreed to, Government opposing.

Adjournment motion re: the retention of Mr. Srinivasa Ayyar in the Trichur Mental Hospital (contd.).

Deputy President.—You can move the adjournment motion, Mr. Salem.

Mr. A. B. Salem.—Sir, I rise to call the attention of the House to the very lax system that takes place in the procedure with reference to the discharge of the unfortunate people, who, for a period of their lives, have to be confined, in the interests of themselves and of society, in the Mental Hospital. We now see that it is indeed very unfortunate to have to be confined in an asylum. It is still more unfortunate to find that, when an inmate of an asylum has regained consciousness, when he is no longer in that unconscious state and begins to feel that all rules are being violated, to find that he is still kept there, as has happened in this case. In this unfortunate case, a Brahmin, who would not eat food from any one else, is confined in the place. It is unfortunate that the Government people, who always show so much consideration of caste and creed, have been accused for that purpose here, have not provided a Brahmin cook in the asylum so that the solution of vegetable diet might have been completely solved. It is unfortunate to hear that here was not such a cook to serve this unfortunate Brahmin,

LIBRARY ARCHIVES Kerala Legislative Assembly

and he refused to take the food served by others when he came to his senses. It is again unfortunate, I wish to say, that this man was recommended to be considered by the Board. I understand, Sir, that in the Mental Hospital you have a number of visitors attached to it, whose formal approval has to be taken on the recommendation of the medical officer concerned to let off an inmate of the asylum, and the procedure adopted is, when a person is, in the opinion of the medical officer in charge of the asylum, fit to be let out, he would call for a meeting of the Board of Visitors and when the Board of Visitors come, he will put a list of persons to be discharged before them for their approval. We could very well understand that, in extreme cases perhaps in the course of this circular and the day of the meeting, the man may become insane and would not be able to satisfy the Board. But ordinarily the Board will meet, put their approval and the men will go out of the asylum. What has happened in this case? We have a number of officers of the State who are on the Board. We have a number of non-officials also on the Board of Visitors. No one seems to have had a sense of consciousness of the gravity of the situation arising when a man had to be let off from the place. The medical officer has sent round a notice either on his own observation or on the observation of some other visitor that there is a fit case to be discharged and that case may be considered. To question 545, I think, on Wednesday, the 10th of April, the answer was "*Sreenivasa Ayyar was released in Kumbham.*" During Makaram, it was proposed to bring up his case to the notice of the visitors, had a meeting taken place that month. Therefore, it is seen that this man was perhaps to be let off in Makaram, but on account of the want of a meeting he had to remain there till Kumbham. I believe he was released on the 5th of Kumbham 1104. Sir, it is this answer that has made me table this adjournment motion, "*it was proposed to bring up his case in Makaram*". In the opinion of some responsible man there, he was in a fit condition to be discharged. And the latter part of the answer "*had a meeting taken place, he would have gone off.*" What does that show? That, on account of want of a meeting, a man, this unfortunate man, had to remain there for nearly a month. Let it be one day. If the non-officials on the Board of Visitors would not go for a meeting to avoid a likelihood of such cases happening, I say, the least that the Government can do is to ask them to kindly retire from their places or give them some inducement to come to the meeting. Give them an allowance. Give them something to come there. If the officers are concerned in this matter, then the Government will know how to deal with them, when the case has been

LIBRARY ARCHIVES Kerala Legislative Assembly

brought to their notice. I need not teach them. It is possible that these cases do not come before the Government. I want to hear from the Chief Medical and Sanitary Officer as to the actual thing that happened. Whose was the dereliction of duty, whether it was of his Civil Surgeon? I believe he is a member of the Board! I do not know who are the members of the Board. There are seven or eight people, some names are given. Only the names of the non-officials are given. The officials, I do not know.

Mr. K. P. Kannan Nayar.—Six officials.

Diwan Bahadur Dr. V. Verghese.—Seven officials and six non-officials.

Mr. A. B. Salem.—Six non-officials! It is very unfortunate that these gentlemen had no sense of duty around them. I castigate them as much if not more than the officers themselves. I believe that, under the rules, at least three of the members should be non-officials.

Mr. C. Barton Wright.—Three.

Mr. A. B. Salem.—Away with such people on the Board, people who are helping for the imprisonment of a man, who are sleeping in their own houses comfortably leaving this poor man to have the advantage of the asylum at public cost! I say, remove them. The same kind of thing takes place with reference to the visitors of the Leper Asylum.

I have put questions and I want to awaken the country and the officers also to the idea of taking a little out of your, what shall I say, merciful courtesy, for not exposing these public men. If you find such visitors, then I say it is your duty to recommend to the Government to publicly remove them with public censure in the Gazette. That is the purpose of this adjournment motion, namely, to call every one to a sense of duty, and if these gentlemen want to serve, let them serve properly. Otherwise, let them don't come to have the honour of it. Honorary visitors without any sense of duty are dishonourable visitors.

Mr. P. Krishna Menon.—Dishonourable absentees.

Mr. A. B. Salem.—If it is a question of allowance, why not Government give them some 5 rupees or so for coming for it? I have been told by an Hon'ble Member of this House, who knows Trichur much better than myself, that they do not go there because they do not get any allowances for it. If that is a fact, let them have it. Therefore, Sir, I would like the Government to look into this matter. It is unfortunate, and

LIBRARY ARCHIVES Kerala Legislative Assembly

what has happened has happened. It is only in the interests of the public to call the attention of this Board of Visitors that I have tabled this motion, and I do not wish to add anything more. As far as the Government is concerned, if the full facts come before the Government, as it would come now from the statement of the Chief Med ical Officer, Government certainly deal with the matter in a proper way.

Diwan Bahadur Dr. V. Verghese.—Sir, Englishmen living in the out-skirts of civilisation are never happy unless they have occasionally a kick-up. It is a term which represents a round of amusements ending in dancing. The Cochin Legislative Council is never happy unless it finds an occasion to bring in an adjournment motion for debate. However old the subject may be, I have a vivid recollection of an adjournment motion brought into this House in the early career of this Council which ended in a kick-up or more correctly a walk-out. I shall endeavour to prevent a catastrophe like that on this occasion by explaining to this House the facts. In my opinion, there was not the slightest justification either in point of fact or legal basis to bring this adjournment motion before this Council.

Mr. A. B. Salem.—That is questioning the ruling of the President.

Diwan Bahadur Dr. V. Verghese.—The basis of this adjournment motion, as I conceive it from the explanatory speech of the Hon'ble mover, is that a sane man was detained in the Lunatic Asylum longer than he should have been. That is to say, he was actually discharged on a date after the date on which it was proposed to discharge him.

Let me first of all enlighten this House as to the procedure in the matter of the discharge of patients from the Lunatic Asylum. When, in the opinion of the Medical Superintendent of the Asylum, the patient is fit to be discharged, he has to bring it to the notice of the Board of Visitors and call a meeting of the Board of Visitors. On the Board we have got 7 official visitors and 6 non-official visitors. The rule used to be to send notice to about half a dozen of these members by rotation. We had to experience this sad event of the postponement of meetings for want of quorum on many an occasion before and latterly, to avoid a contingency like that, we have been sending notices to all visitors. On this occasion, I understand that notices were sent to all the visitors, and among the official visitors, only the Civil Surgeon and among the non-official visitors only one gentleman turned up on the occasion. Hence the meeting had to be postponed for want of quorum. The

LIBRARY ARCHIVES Kerala Legislative Assembly

rule regarding the meeting is laid down in the Lunacy Regulation which I shall read: "The discharge of lunatics shall be by the visitors of any asylum of whom one shall be the medical officer, and they may, by an order in writing, direct the discharge of any person detained in such an asylum and such person shall therefrom be discharged." That is the legal rule laid down for the discharge of lunatics. On this occasion there is no record to show that the non-official members or the official members or any particular individual met and the meeting was postponed. The only record I find in the Visitors' Book is that of the Civil Surgeon.

Mr. C. A. Kunjunni Raja.—Without a meeting how can there be a record?

Diwan Bahadur Dr. V. Verghese.—You will find by reading the remarks in the Visitors' Book that it is not the proceedings of a meeting or anything of the kind. That is to say, it is signed by the Civil Surgeon, with the remarks: "As there were only 2 visitors present, the question of discharging any one could not be taken up."

Sir, the question of the discharge of a person does not rest with the Medical Superintendent. I may tell you that this is only the opinion of the Superintendent. It is a safeguard which the law has provided not to discharge a person on the opinion of the Medical Superintendent alone. The visitors are responsible for the discharge of a person once admitted into the asylum, and the opinion of the Medical Superintendent is really of no legal value if 2 non-officials and one medical officer are not for the discharge.

Mr. T. A. Ramachandra Ayyar.—Cannot all the three be officials?

Diwan Bahadur Dr. V. Verghese.—What is stated here is, of the three visitors only one should be a medical officer.

Mr. A. B. Salem.—So officials could have managed the business.

Diwan Bahadur Dr. V. Verghese.—Oh, yes.

Mr. A. B. Salem.—May we know who are the officials?

Diwan Bahadur Dr. V. Verghese.—The Diwan Peishkar, the District Magistrate, the District Judge, the Civil Surgeon, the Director of Education, the Inspector of Schools and the Police Commissioner.

I should also mention, for the enlightenment of this House, that it is my experience as Medical Supervisor of the Lunatic Asylum at Calicut, that many a man pronounced to be fit to be discharged by the Medical Superintendent had been brought up before the Board and remanded and it is also my experience that the man remanded had before the next meeting again

LIBRARY ARCHIVES Kerala Legislative Assembly

broken out into a lunatic which resulted in his inevitable detention for a longer time. I only want to mention that simply because the Medical Superintendent opined that a man is sane cannot be recognised as the only condition necessary for his discharge. The meeting could not take place on account of the absence even of the requisite number of the visitors for a quorum. So far as the official visitors are concerned, they are already over-burdened with their own responsibility and many of them are touring officers and it is just possible that they may not find time to come. The six non-official visitors are all men of the locality. If the sense of responsibility alluded to by the Hon'ble the mover had been present in them, all this trouble might have been avoided. (*Hear, hear.*)

Mr. C. A. Kunjunni Raja.—There are officials who are permanently residing there.

Mr. U. Kandar Menon.—Only the District Judge.

Diwan Bahadur Dr. V. Verghese.—And the Civil Surgeon who was present there. The medical officer is a *sine qua non*. He has always been there. Many a time before we have experienced this difficulty and the matter has been brought to the notice of the Government, and I have no doubt the Government has issued instructions both to the officials and the non-official visitors to take the matter more seriously and to try to be present and obey the rules laid down in the matter. But we always find that in this part of our country, in the matter of attendance in committees and the Directors' meeting and all these things, this woeful fate of having to postpone for want of quorum takes place especially when, as the Hon'ble Member said, pecuniary gain is not to be obtained by such attendance.

Dr. A. R. Menon.—Excuse me for interrupting. Is there a rule that 12 days' notice should be given to these visitors?

Diwan Bahadur Dr. V. Verghese.—Yes, and in this case also 12 days' notice was given.

Mr. M. K. Raman.—What was the date on which the meeting was arranged to be held in Makaram?

Diwan Bahadur Dr. V. Verghese.—On the 9th Makaram.

I say, if any blame is to be cast at all, I think the non-officials have to share the greater part of the blame. (*Hear, hear.*) I do not exaggerate the sense of duty of the Government officers at all. But I am aware that the District Magistrate, for example, is fixing his camps a month previously far away from Trichur and notices and summons to parties are issued beforehand and it is not possible for him to be present very often.

As I said, Government have been trying, as far as possible, to avoid anything like this. They have tried to send special

LIBRARY ARCHIVES Kerala Legislative Assembly

admonitions to all members so as to ensure the attendance of at least the members required for a quorum. Government will now try as a last resort to prevent a catastrophe like that by sending notices to all members so that at least 3 of them may come and making it a more strict part of the duty of the officials to attend. That is all the Government can do. We have heard this morning that there is a limit to the responsibility that can be placed on the non-officials. They can only invite them to come. In honorary work we always meet with this trouble. So, all that the Government can do is now to issue orders and throw the burden on the shoulders of the Government servants by directing them to stricter adherence to the rule. Perhaps, I think, we will have to resort to the practice of issuing two notices, one a month ahead and one a week beforehand and we are prepared to do it. No one deplores the fact of this detention of people more than the Government. Government recognise that, if it is a fact that the man was sane, it is not legal to detain him in the asylum. But in this case you assume that we have detained a sane man and thereby stood in the way of the liberty of the subject and that is illegal.

Mr. A. B. Salem.—Excuse me for asking a question. In your answer you said 'his release would have been considered at the meeting'.

Diwan Bahadur Dr. V. Verghese.—No, no, never. I said, his case would have been brought to the notice of the Board.

Mr. M. K. Raman.—It was proposed to release him in Makaram.

Diwan Bahadur Dr. V. Verghese.—Not to release. The decision rests with the Board.

Mr. M. K. Raman.—The meeting did not take place on the 12th or so. Then why could not the Superintendent immediately send a notice for another meeting to be held soon after?

Diwan Bahadur Dr. V. Verghese.—The rule is to meet once in a month.

Mr. C. A. Kunjunni Raja.—There is a Sub-Assistant Surgeon in charge there. Can he not say whether he is sane or not?

Diwan Bahadur Dr. V. Verghese.—They are all inexperienced men. A specialised institution like that requires long years of experience. (*Hear, hear.*) I myself went there once in December. Then one of the persons there was proposed to be discharged; I entered into conversation with the man and examined him carefully and I had to make this observation to

LIBRARY ARCHIVES Kerala Legislative Assembly

THE COCHIN

the medical officer: "*I consider that a lunatic should not be discharged unless the person has been free from the smallest symptoms of insanity for a period of three months*". There was another Christian gentleman counted for discharge, and I had to say on examination that he should be discharged only after a few months. I have myself during my inspections known that they are making mistakes as to the eligibility of lunatics to be discharged, all from want of experience. They think that, as in a case of fever, when the temperature comes down, the patient is fit for discharge, a lunatic is fit for discharge as soon as he is quiet and rational.

Mr. E. Ikkanda Warriar.—May I know the date of those remarks?

Diwan Bahadur Dr. V. Verghese.—20th December 1928; long before this incident. It is all due to want of experience in mental diseases.

As I said, Government will hereafter try to prevent the recurrence of such an affair by issuing two notices one a month ahead, so that officers like the District Magistrate and the Commissioner of Police may adjust their work. All that we are prepared to do, and there is absolutely no necessity for this adjournment motion. These are the facts of the case and Government is prepared to adopt the remedies now mentioned to avoid occasion for criticism like this.

Mr. T. M. Krishna Menon.—One word. I do not think there is any necessity to prolong this discussion. I understand the mover's object in bringing forward this motion is not to criticise the conduct of the visitors for what has been done. I believe his object is simply to see that there is no repetition of this matter in future. Now that there is an assurance from the Chief Medical and Sanitary Officer that all precautions will be taken to see that there is no such occurrence in future, I do not know whether anybody here would be anxious to continue this debate any further.

Dr. A. R. Menon.—I want to make a few remarks.

Mr. T. M. Krishna Menon.—I do not want to stand in your way. I just pointed out the situation.

Dr. A. R. Menon.—We want to bring to the notice of the public, Sir, the conduct of the officials as well as the conduct of the non-officials in this matter. This is not a motion for throwing mud on them, but there is a dereliction of duty on their part and we are justified in bringing to the notice of this House this undue dereliction of duty on their part, that a person was most probably, I do not say he was, most probably he might have been detained.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, the Chief Medical Officer began his speech with the observation that on a past occasion there was an adjournment motion and it ended in a walk-out. As everybody knows, the Chief Medical Officer has got many virtues, but I am afraid good taste shall not be included as one of the various virtues of which he is very proud. If the answer of the Department is moderated in a different mode, it is because Samson is losing his locks. When we say Samson is losing his self-respect, any person sitting on the other side will moderate his tone also. Therefore, the tone and the method of the speech depend upon the occasion and upon the person. That is all the answer I will give to the first observation. The method that will be adopted by those who sit here either to walk out or to stand up and speak will also depend to a great extent upon circumstances. To-day, the circumstances enable us to stand up and, what is more, to speak, so far as I am concerned, favourably to the Department. In this question I must realise, as I happen to be a member of the Medical Profession, that in a case like this it is better to make a mistake and detain a man a little longer than letting him out too early. There have been cases where people supposed to be sane were let out and they came back guilty of homicide, murder, setting fire to houses and much worse crimes. Some persons will look as though they are sane and unless one carefully observes and has sufficient experience to make this differentiation between what is belated and what is actual, grave mistakes may be committed. Therefore, even granting that it was detention for one month more, it is, in my opinion, not a very serious charge. It would be a very serious charge indeed if a person is brought to a Lunatic Asylum and, without taking adequate measures to find out whether he is sane or insane, the man is detained. Then it is very serious, and a criminal charge. But to discharge a lunatic who has been in the hospital for a few months they are to be very cautious.

Diwan Bahadur Dr. V. Verghese.—He was a lunatic for 9 years.

Dr. A. R. Menon.—Further, I understand that the decision of the Board was not unanimous. Was the decision unanimous that he was sane?

Diwan Bahadur Dr. V. Verghese.—No.

Dr. A. R. Menon.—My information is that it was not unanimous. That shows that they were not fully convinced that he was sane. Under the circumstances, I do not think any serious charge could be brought against the Department. We have to consider these various aspects and should not be moved merely by sentiment. I assume from the very outset that, if a meeting was held, most probably he would have been detained for one

LIBRARY ARCHIVES Kerala Legislative Assembly

month more or may not have been detained. Granting that he would be let off, a man who has been 9 years in the Lunatic Asylum is not going to be spoiled by being there for another month. What the public ought to realise is that the patients in the asylum are not treated like other persons. I happen to go there very often and I find invariably that minimum force is exercised and they are well fed and well treated.

About the officials and non-officials, out of respect to the Leader of the House, I do not differ from him except in saying that the Government would do well, in case they did not discharge their duties, to call for an explanation and replace them by those who are willing to discharge their duties. It will also be, though not an inducement, worthy of consideration by the Government to give them at least daily allowance for a day so that people who are willing to work may be given that allowance. For example, there are people getting Rs. 100 and Rs. 150 and there is no wrong in Government giving them this daily allowance so that they may come and may not have an excuse to say they could not come on account of other work. Further, so far as the officials are concerned, it would be better, if possible, to see that such a chance is not given for criticism in this House. I quite appreciate the great difficulties that the officials are labouring under. There are the circuiting officers. But since 12 days' notice is given to them, they can at least write that that day won't suit them or they can arrange their camps in such a way that they may come to the meeting.

Diwan Bahadur Dr. V. Verghese.—In sending notices they are requested to state whether such and such a day will be convenient. Some of them say it is inconvenient and we send notices to another set of three persons.

Dr. A. R. Menon.—And also I hope it will be advantageous to secure among the non-officials one medical man, if possible, as an honorary visitor, so that, in case an unfortunate accident happens of letting loose these persons earlier, there would be the defence that two or three of them agree on a certain point. Now you are throwing all the responsibility on the Civil Surgeon because it is on his recommendation that people are let off. As I pointed out in this House, it is almost impossible to know whether a person is sane or insane. It is my belief that there are more insane people outside the asylum than inside it and certainly there are some sane people in the asylum also.

With these few remarks I hope that this question shall not be pressed further.

Mr. A. B. Salem.—I have only to state that I have made no charge against the Department. The only charge, if any,

LIBRARY ARCHIVES Kerala Legislative Assembly

was laid on the Board of Visitors. In view of the statement made by the Government, I beg leave of the Council to withdraw the motion.

Diwan Bahadur Dr. V. Verghese.—Before the House gives leave to withdraw the motion, I should mention one fact regarding the remarks made by the Hon'ble Member for Trichur. I never intended to hurt his feelings at all by mentioning about the adjournment motion and the walk-out. I simply mentioned that when I spoke of the kick-up in the legal phraseology and not with any intention.

Question proposed: *"That leave be granted to Mr. Salem to withdraw his adjournment motion."*

Question put and agreed to and the adjournment motion withdrawn with leave.

25. Drinking water to Trichur.

As Mr. C. Barton Wright did not move, the following resolution and an amendment to it were considered withdrawn:—

Mr. C. Barton Wright.—*"This Council recommends to the Government that immediate steps be taken for a proper supply of drinking water for the town of Trichur by utilising immediately the whole of the grant of Rs. 50,000 announced in the recent Birthday Boons of His Highness the Maharaja."*

Mr. T. K. Nayar.—*Add after 'His Highness the Maharaja' in the end the words 'and to allot a like sum every year for a Taluk until all Taluks are equally benefited.'"*

Since Messrs. K. T. Mathew, C. J. Mathew and K. Ayyappan were absent, the following resolutions and an amendment of Mr. C. A. Kunjunni Raja to the resolution of Mr. K. T. Mathew were respectively considered withdrawn:—

26. Reduction in the supply of arrack.

Mr. K. T. Mathew.—*"This Council requests the Government to effect an annual reduction of 5 per cent in the supply of arrack for the next four years".*

Mr. C. A. Kunjunni Raja.—*Insert at the end 'for each individual.'*

27. Tramway Department.

Mr. C. J. Mathew.—*"This Council recommends to the Government that the administration of the Tramway Department be put under the direct control and charge of the Conservator of Forests, separating it from the Tramway Engineer."*

28. Sea-shore villages of the Cochin-Kanayannur Taluk.

Mr. K. Ayyappan.—*"This Council recommends to the Government that, out of Rs. 50,000 allowed as His Highness' 70th Birthday Boon for water supply, a sum of Rs. 25,000 be set apart for the sea-shore villages of the Cochin-Kanayannur Taluk."*

LIBRARY ARCHIVES Kerala Legislative Assembly